. BEFORE THE IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE * ZONING COMMISSIONER S/S North Tyrone Road, 360 ft. E of Armagh Drive * OF BALTIMORE COUNTY 203 N. Tyrone Road 9th Election District * Case No. 92-446-A 4th Councilmanic District Joseph P. Connor, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAN

* * * * * * * * * * *

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. and 5 ft., respectively, in lieu of the required 10 ft.; and a variance to allow a rear yard setback of 25 ft., in lieu of the required 30 ft. in a D.R. 5.5 zone, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

W. DISTIBILIE

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 1992 that the Petition for a Zoning Variance from Section 1802. 4.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. and 5 ft., respectively, in lieu of the required 10 ft.; and a variance to allow a rear yard setback of 25 ft., in lieu of the required 30 ft., in a D.R. 5.5 zone, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

MICKUHILMED

19h

AFFIDAVIT IN SUPPORT OF ADMINISTRATIVE VARIANCE 92-446-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Afflant(s) and that Afflant(s) is/are competent to testify thereto in the event that a public hearing is acheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 203 N. Tyrone Road Baltimore, Maryland 21212

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Variance at the above address: (indicate hardship or practical difficulty) 1) The addition was built by a prior owner in 1981 and Petitioners purchased the property with the addition already built and occupied in July of 1985. 2) When Petitioners purchased the property the title company did not note the existence of the addition as a wielstion of the soning setback requirements;
the improvements were part of the house and thus part of the consideration
for the purchase price said by Patitioness.

3) The only way to comply with the side yard setback requirement would be to demolish the entire addition, which would constitute waste and a substantial expense to the Patitioners.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising for an

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: _____, 19_92_, before me, a Notary Public of the State

JOSEPH P. COMMOR and CLORIA C. COMMOR the Affiants(s) herein, personally known or satisfactorily identified to see as such Affiants(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AG WITNESS my hand and Notarial Seal.

DEMNIS M. MILLER

BAUGE IL BOAK

EDWARD F. DEIAGO-LOHR

LES/mmn

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE

-2-

PAUL 6. DOLLENSERS PRED H. DOLLENSERS CARL L. SERHOLD PHILIP K. GROSS JOHN F. ETZEL WILLIAM 6. ULRICH

May 7, 1992

To Accompany Zoning Petition
5629 Square Foot or 0.129 Acre Parcel of Land South Side of North Tyrone Road Northeast of Armagh Drive Ninth Election District, Baltimore County, Maryland

TOWSON, MARYLAND 21204

823-4470

Beginning for the same at the end of the second of the two following courses and distances, measured from the intersection of the centerline of Armagh Drive, with the centerline of North Tyrone Road (1) Northeasterly 350 feet, more or less, measured along the centerline of North Tyrone Road and thence running (2) Southeasterly at right angles to said centerline 17.5 feet, more or less, thence leaving said point of beginning and running and binding on the southeast side of North Tyrone Road, (1) North 77 degrees 16 minutes East 60.00 feet, thence leaving said southeast side of North Tyrone Road and running the three following courses and distances, vis (2) South 12 degrees 44 minutes East 98.75 feet, (3) South 77 degrees 16 minutes West 54.00 feet and (4) North 16 degrees 13 minutes West 98.93 feet to the point of

beginning. Containing 5629 square feet or 0.129 of an Acre of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.B

92-446 A

ment Po Glaria Conner St North Tyme na 350 Ef Armyh Dr. 203 N. Tyrone nd Landin d age in Front A 203 N. Tyrone nol

Baltimore County Government Zoning Commissioner Office of Planning and Zoning **40.** At Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204 June 22, 1992 Mr. and Mrs. Joseph P. Connor 203 Tyrone Road Baltimore, Maryland 21212 RE: Petition for Residential Zoning Variance Case No. 92-446-A

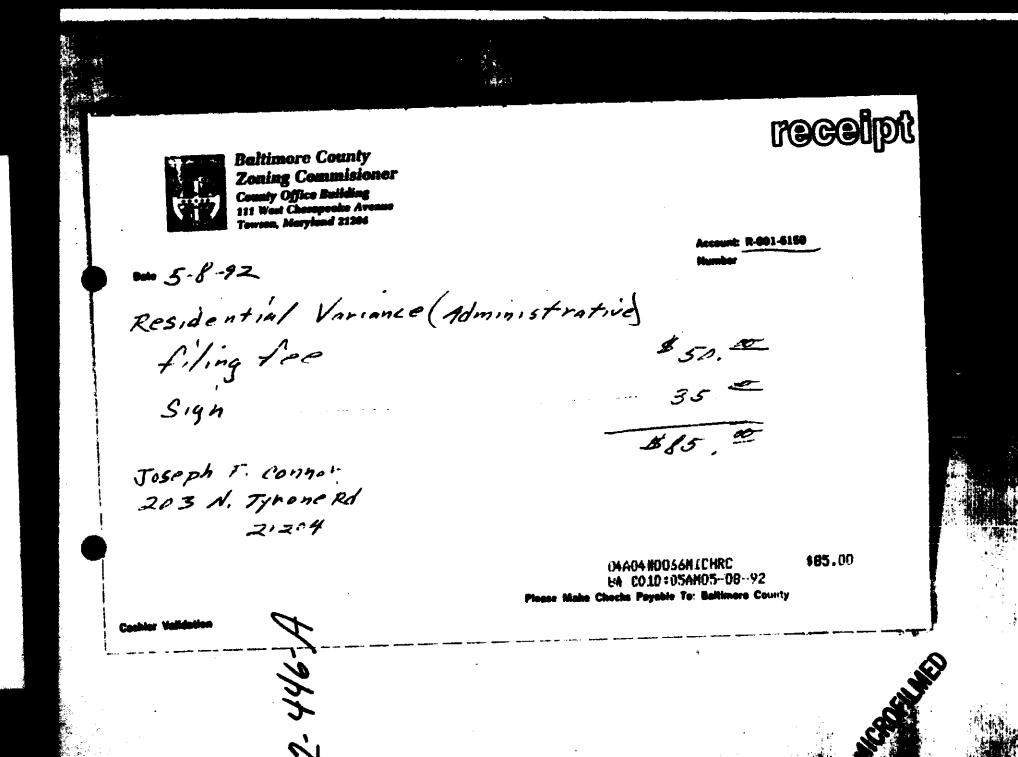
case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

encl.

(410) 887-4386 Dear Mr. and Mrs. Connor: Enclosed please find the decision rendered in the above captioned In the event the decision rendered is unfavorable to any party, please Lawrence E. Schmidt Zoning Commissioner LES:mmn MICROFILMEL

igileset Account: R-001-6150 PAID PER HAND-WRITTEN RECEIPT DATED 5/8/92 H9200467 5/13/92 PUBLIC HEARING FEES \$50.00 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X LAST NAME OF OWNER: CONNOR



PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY The undersigned, legal owner(s) of the property located in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802 3 4 10 8 11 or a side

yards setback of 1' and 5' respectively in lieu of the required 10' and a rear ward setback of 25' in lieu of the required 30' in a DR 5.5 zone

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hardale or presided difficulty) 1) The addition was built by a prior owner in 1981 and Petitioners purchased the property with the addition already built and occupied in July of 1985. 2) When Petitioners purchased the property the title company did not note the existence of the addition as a violation of the zoning setback requirements; the improvements were part of the house and thus part of the consideration for the purchase price paid by Petitioners.

3) The only way to comply with the side yard setback requirement would be to demolish the entire addition, which would constitute waste and a substantial expense Property is to be advertised and/or posted as prescribed by Zoning Regulations. to Petitioners.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to

	I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.
Contract Purchaser:	Legal Owner(s):
	_ Joseph P. Connor
(type or print mane)	(type or print name)
(rignoture)	(Marine)
	Gloria G. Connor
ldrus	(type of fugat some)
City State Zio Code	Olona O. Connor
Attorney for Petitioner:	(signature)
terms for 1 and 1 companies:	203 N. Tyrone Rd. 377-2992
Michael P. Tanczyn, Esq.	milifress phone
(Special principle)	Baltimore MD 21212
ological in the state of the st	City State Zip Code
606 Baltimore Avenue, Suite 106 Towson, MD 21204 296-8823	Home, oddress and phone number of concer, contract purchases or representative to be contracted. Joseph P. Connor
	203 N. Tyrone RD. 377-2992 W-584-8081

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

> Joseph and Gloria Connor 203 M. Tyrone Street Baltimore, Maryland 21212

Ra: CASE NUMBER: 92-446-A LOCATION: S/S N. Tyrone Road, 350' E of Armsgh Drive 203 M. Tyrone Road 9th Election District - 4th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 24, 1992. The closing date is June 8, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) demy the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

cc: Richael P. Tencsyn, Esq

MICROFILMED

FTEM #____

887-3353

May 1, 1992

Office of Planning & Zoning Baltimore County County Courts Building Towson, Maryland 21204 92-446-A

SUBJECT: Request for Zoning Variance - 203 N. Tyrone Road, Owner - Joe & Gee Gee Connor

The home on the above mentioned property had an addition made to it (added bath) some ten years ago.

At a later date it was found that this addition extended into the required set back from the adjoining property. This was as a result of a survey of the property, for sale purposes, and not from any complaint filed by surrounding neighbors or the Armagh Village Improvement Association.

Mr. Connor has advised the Association that he was going to seek the required variance so this property would be within the

As President of the Armagh Village Improvement Association, I wish to advise the Office of Planning & Zoning that our Association has no reason to oppose Mr. Connor' request for the variance and are unaware of anyone within the neighborhood who intends to

This error was committed many years ago and Mr. Connor was not the owner then. We see no need for him to suffer a hardship due something he was not responsible for and agree that a variance being issued would keep a possible problem arising in the future, with any future owner.

Sincerely, Vernon A. Bolte, Jr.

President, Armagh Village Improvement Assoc.

GICROFILMED

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

Re: Petition for Administrative Variance Side Set Back - Existing Addition 203 North Tyrone Road Baltimore, Maryland 21212

Dear Sir :

In regards to the above mentioned Petition, we have no opposition to the granting of a Side Set Back Variance for the existing addition on said property: 203 North Tyrone Road, Baltimore, Maryland.

It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

K.A. Mastropieri

205 N. TYRONE Rd Belto. M/21212 Address)

(Date)

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

Re: Petition for Administrative Variance Side Set Back - Existing Addition 203 North Tyrone Road Baltimore, Maryland 21212

Dear Sir :

In regards to the above mentioned Petition, we have no opposition to the granting of a Side Set Back Variance for the existing addition on said property: 203 North Tyrone Road, Baltimore, Maryland.

It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely

Constance V. M. Machiter

20/ N. Tyrone Rad #21212 (Address)
5/3/92 44

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

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Dear Sir :

In regards to the above mentioned Petition, we have no opposition to the granting of a Side Set Back Variance for the existing addition on said property: 203 North Tyrone Road, Baltimore, Maryland.

It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

(Owners)

(Owners)

Acc

(Address)

5/2/92

MICROFILMED

467

Zoning Commissioner Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204 92-446-A

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It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

my mes letter & Simpson

204 South Tyrone RD, Ballaine med 21212 (Address)

(Date) Repul 30th, 1992

92-446-A





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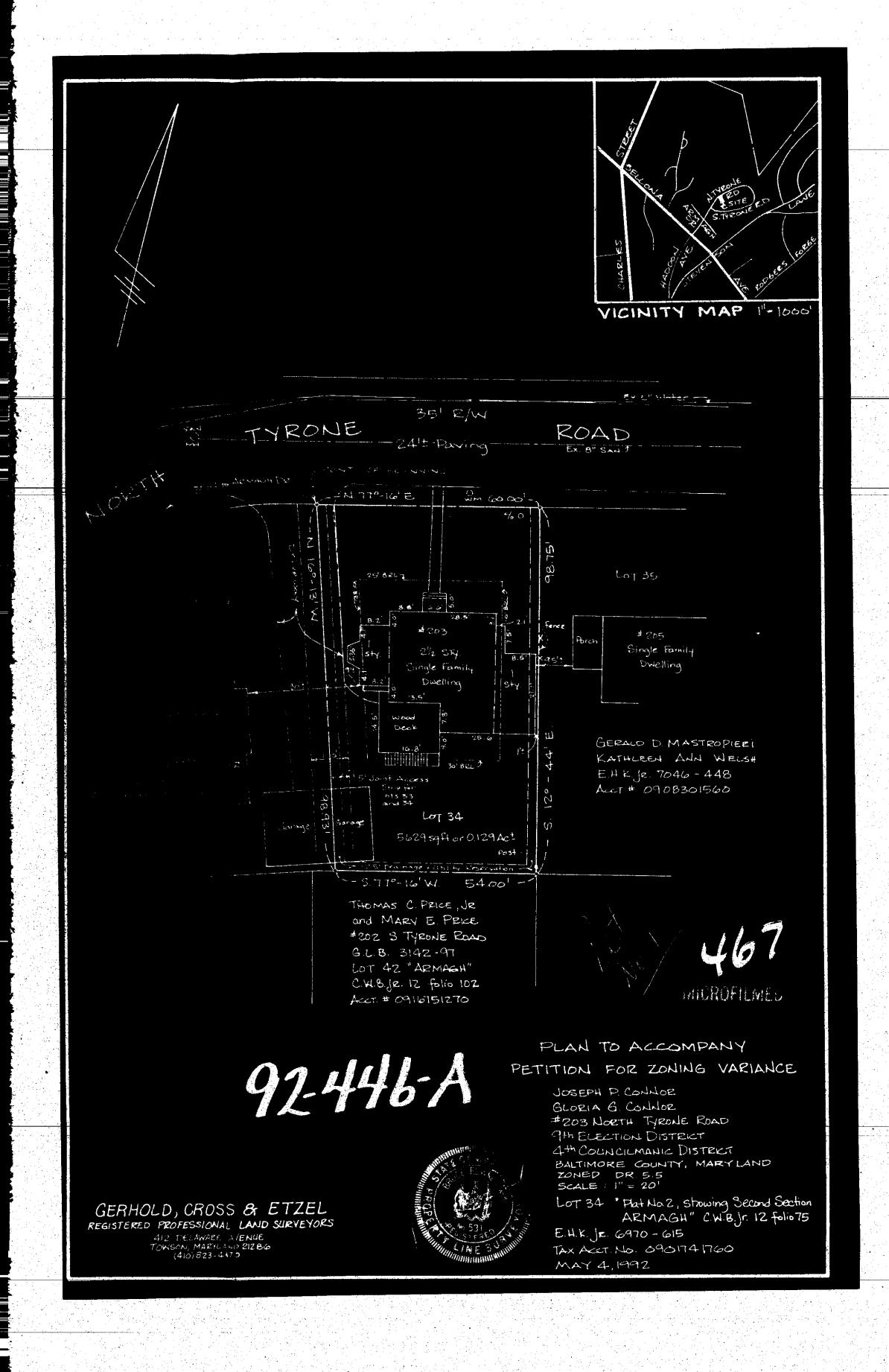
92-446-A

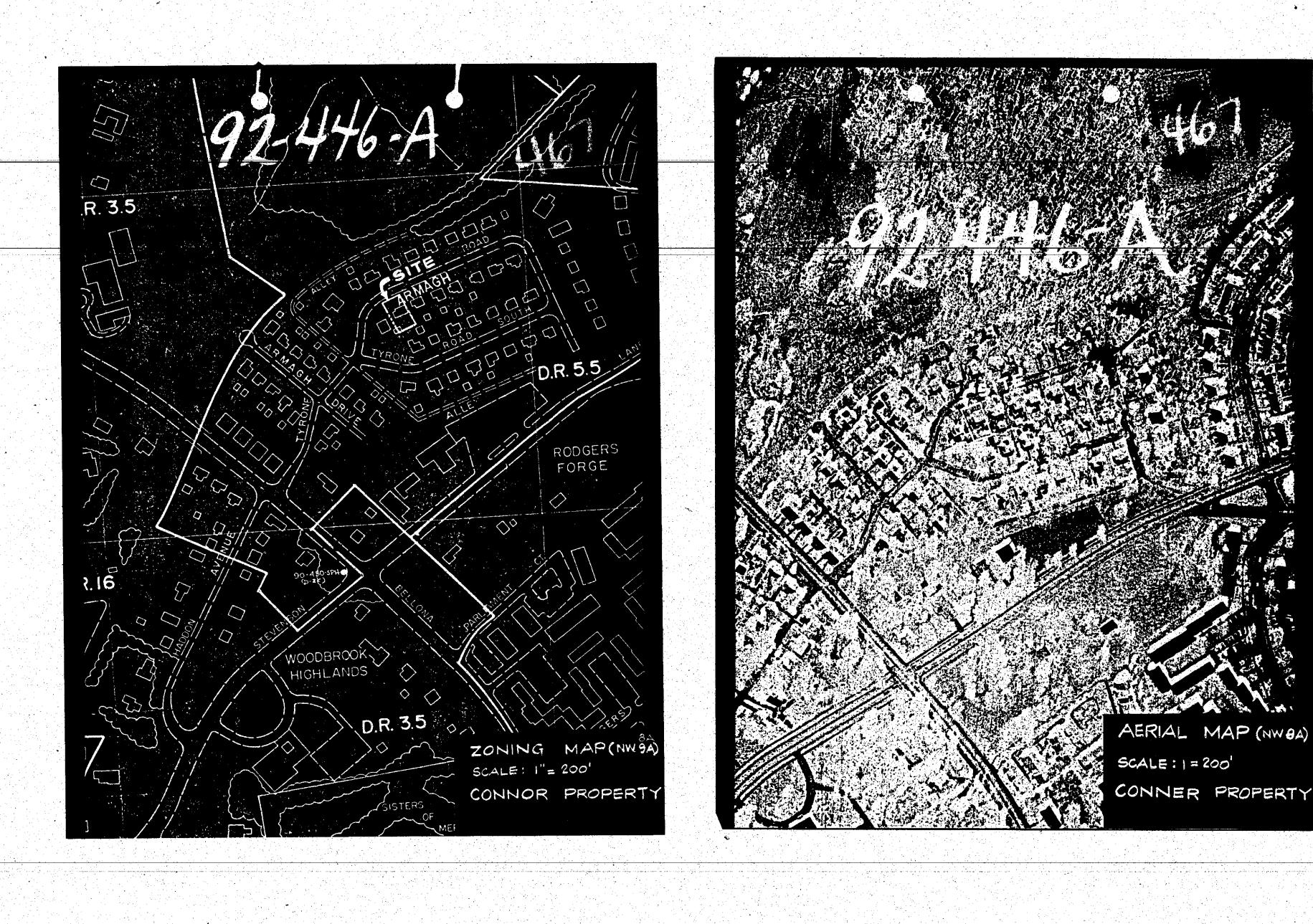






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The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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W. DISTIBILIE

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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore 1992 that the Petition for a Zoning Variance from Section 1802. 4.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 1 ft. and 5 ft., respectively, in lieu of the required 10 ft.; and a variance to allow a rear yard setback of 25 ft., in lieu of the required 30 ft., in a D.R. 5.5 zone, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

MICKUHILMED

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JOSEPH P. COMMOR and CLORIA C. COMMOR the Affiants(s) herein, personally known or satisfactorily identified to see as such Affiants(s), and made outh in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

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BAUGE IL BOAK

EDWARD F. DEIAGO-LOHR

LES/mmn

GERHOLD, CROSS & ETZEL Registered Professional Land Surveyors 412 DELAWARE AVENUE

-2-

PAUL 6. DOLLENSERS PRED H. DOLLENSERS CARL L. SERHOLD PHILIP K. GROSS JOHN F. ETZEL WILLIAM 6. ULRICH

May 7, 1992

To Accompany Zoning Petition
5629 Square Foot or 0.129 Acre Parcel of Land South Side of North Tyrone Road Northeast of Armagh Drive Ninth Election District, Baltimore County, Maryland

TOWSON, MARYLAND 21204

823-4470

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92-446 A

ment Po Glaria Conner St North Tyme na 350 Ef Armyh Dr. 203 N. Tyrone nd Landin d age in Front A 203 N. Tyrone nol

Baltimore County Government Zoning Commissioner Office of Planning and Zoning **40.** At Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204 June 22, 1992 Mr. and Mrs. Joseph P. Connor 203 Tyrone Road Baltimore, Maryland 21212 RE: Petition for Residential Zoning Variance Case No. 92-446-A

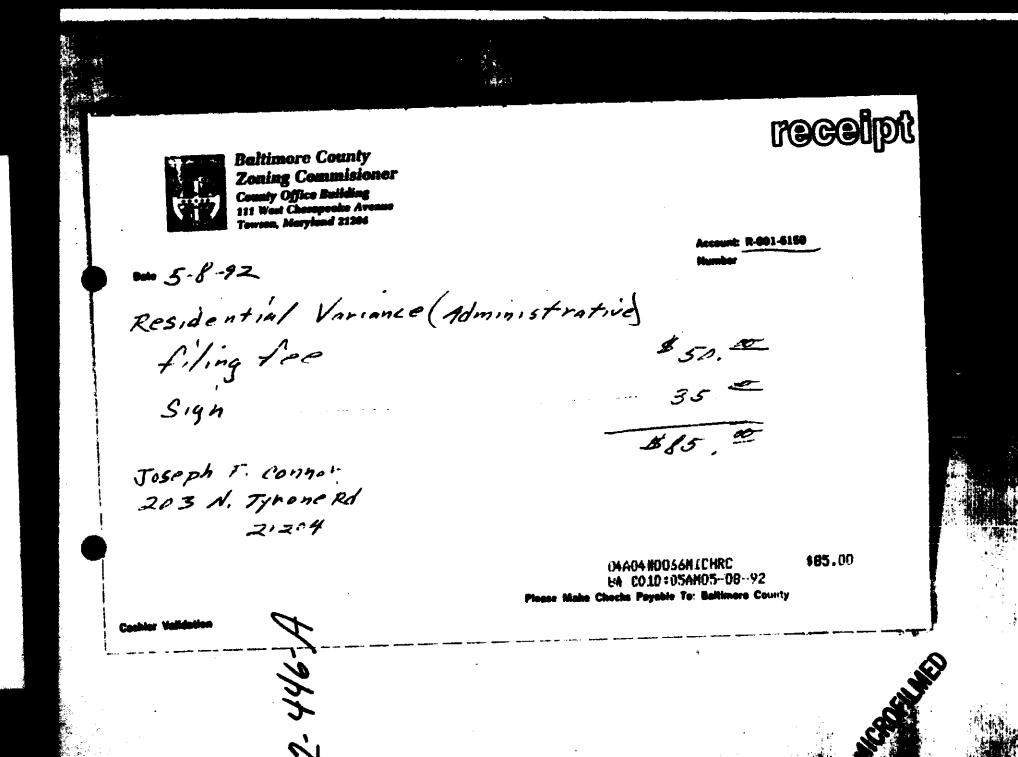
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encl.

(410) 887-4386 Dear Mr. and Mrs. Connor: Enclosed please find the decision rendered in the above captioned In the event the decision rendered is unfavorable to any party, please Lawrence E. Schmidt Zoning Commissioner LES:mmn MICROFILMEL

igileset Account: R-001-6150 PAID PER HAND-WRITTEN RECEIPT DATED 5/8/92 H9200467 5/13/92 PUBLIC HEARING FEES \$50.00 010 -ZONING VARIANCE (IRL) 080 -POSTING SIGNS / ADVERTISING 1 X LAST NAME OF OWNER: CONNOR



PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY The undersigned, legal owner(s) of the property located in Beltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802 3 4 10 8 11 or a side

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I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to

	I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.
Contract Purchaser:	Legal Owner(s):
	_ Joseph P. Connor
(type or print mane)	(type or print name)
(rignoture)	(Marine)
	Gloria G. Connor
ldrus	(type of fugat some)
City State Zio Code	Olona O. Connor
Attorney for Petitioner:	(signature)
terms for 1 and 1 companies:	203 N. Tyrone Rd. 377-2992
Michael P. Tanczyn, Esq.	milifress phone
(Special principle)	Baltimore MD 21212
ological in the state of the st	City State Zip Code
606 Baltimore Avenue, Suite 106 Towson, MD 21204 296-8823	Home, oddress and phone number of concer, contract purchases or representative to be contracted. Joseph P. Connor
	203 N. Tyrone RD. 377-2992 W-584-8081

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

> Joseph and Gloria Connor 203 M. Tyrone Street Baltimore, Maryland 21212

Ra: CASE NUMBER: 92-446-A LOCATION: S/S N. Tyrone Road, 350' E of Armsgh Drive 203 M. Tyrone Road 9th Election District - 4th Councilmanic

Dear Petitioner(s):

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Zoning Commissioner, Baltimore County

cc: Richael P. Tencsyn, Esq

MICROFILMED

FTEM #____

887-3353

May 1, 1992

Office of Planning & Zoning Baltimore County County Courts Building Towson, Maryland 21204 92-446-A

SUBJECT: Request for Zoning Variance - 203 N. Tyrone Road, Owner - Joe & Gee Gee Connor

The home on the above mentioned property had an addition made to it (added bath) some ten years ago.

At a later date it was found that this addition extended into the required set back from the adjoining property. This was as a result of a survey of the property, for sale purposes, and not from any complaint filed by surrounding neighbors or the Armagh Village Improvement Association.

Mr. Connor has advised the Association that he was going to seek the required variance so this property would be within the

As President of the Armagh Village Improvement Association, I wish to advise the Office of Planning & Zoning that our Association has no reason to oppose Mr. Connor' request for the variance and are unaware of anyone within the neighborhood who intends to

This error was committed many years ago and Mr. Connor was not the owner then. We see no need for him to suffer a hardship due something he was not responsible for and agree that a variance being issued would keep a possible problem arising in the future, with any future owner.

Sincerely, Vernon A. Bolte, Jr.

President, Armagh Village Improvement Assoc.

GICROFILMED

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

Re: Petition for Administrative Variance Side Set Back - Existing Addition 203 North Tyrone Road Baltimore, Maryland 21212

Dear Sir :

In regards to the above mentioned Petition, we have no opposition to the granting of a Side Set Back Variance for the existing addition on said property: 203 North Tyrone Road, Baltimore, Maryland.

It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

K.A. Mastropieri

205 N. TYRONE Rd Belto. M/21212 Address)

(Date)

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

Re: Petition for Administrative Variance Side Set Back - Existing Addition 203 North Tyrone Road Baltimore, Maryland 21212

Dear Sir :

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Sincerely

Constance V. M. Machiter

20/ N. Tyrone Rad #21212 (Address)
5/3/92 44

Zoning Commissioner
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

92-446-A

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It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

(Owners)

(Owners)

Acc

(Address)

5/2/92

MICROFILMED

467

Zoning Commissioner Baltimore County 111 West Chesapeake Avenue Towson, Maryland 21204 92-446-A

Re: Petition for Administrative Variance Side Set Back - Existing Addition 203 North Tyrone Road Baltimore, Maryland 21212

Dear Sir :

In regards to the above mentioned Petition, we have no opposition to the granting of a Side Set Back Variance for the existing addition on said property: 203 North Tyrone Road, Baltimore, Maryland.

It is further acknowledged that the addition has been complete for approximately 10 years.

Sincerely,

my mes letter & Simpson

204 South Tyrone RD, Ballaine med 21212 (Address)

(Date) Repul 30th, 1992

92-446-A





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